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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,020	05/15/2001	Mitsuhira Idaka	Q64489	8003

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SUGHRUE MION ZINN MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

CAPRON, AARON J

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,020

Applicant(s)

IDAKA, MITSUHIRA

Examiner

Aaron J. Capron

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is a response to the Amendment received on February 20, 2004, in which claims 1 and 7 were amended. Claims 1, 3-9 and 11-14 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker '041 (U.S. Patent No. 6,110,041; hereafter "Walker '041") in view of Walker et al. (U.S. Patent No. 5,779,549; hereafter "Walker '549").

Walker '041 discloses a game machine that includes a player identifier (6:59-61), a data storage that stores personal information (Figure 2) of a plurality of players which have played the game, the data storage being operable to store a plurality of personal information items with respect to each player (4:64-5:16), and a game environment arranger that reads out the personal information of the player identified by the player identifier from the data storage and automatically sets up a game environment (abstract) based on the read out personal information wherein the player identifier identifies the player using image recognition techniques (6:59-61), wherein the personal information includes parameters of play of the game (Figure 7), but does not specifically disclose that each personal information item is a set of personal information for one of the plurality of players. However, Walker '549 discloses the data storage associated with

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each player having plurality of personal information items wherein each personal information item is a set of personal information for one of the plurality of players. Walker '549 discloses that a player's account can be linked to a team account (9:66-10:8), wherein the team account would have its own level of skill and preferences (Walker '549 7:16-38, esp 34-38). Further, Walker '549 discloses a player playing multiple tournaments at the same time (11:11-15), wherein the player can play any one of the different games that Walker '549 discloses, such as games of skill, games of chance, twitch games, and dexterity games. Each game has their own particular skill level, handicap and award requirements in order to proceed farther in the tournament. One would be motivated to add a plurality of personal information items with respect to each player in order to allow the player to participate in team play or to participate in multiple tournaments at the same time. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Walker's '549 plurality of personal information items with respect to each player into the gaming system of Walker '041 in order to allow the player to participate in team play or to participate in multiple tournaments at the same time.

Referring to claim 3, Walker '041 discloses a game monitor that monitors status of the game played by the player to generate monitoring information (Figure 3) and a personal information generator that generates new personal information of the player based on the monitoring information and stores the new personal information in the data storage (abstract).

Referring to claim 4, Walker '041 discloses an information communicator that communicates the personal information stored in the data storage with another game machine connected to the game machine (Figure 1 and 3:28-41).

Referring to claim 5, Walker '041 in view of Walker '549 discloses an online tournament system, including slot machines (Walker '549 12:30-39), that monitors a player's skill in order to determine handicap or whether the player is eligible to play in future tournaments (Walker '549 7:16-38, esp 34-38) or to incorporate player preferences into pairings (Walker '549 11:50-60).

Referring to claim 6, Walker '041 discloses the personal information includes at least one of information regarding a skill level of the player, information regarding the number of tokens acquired in the game, and information regarding growth status in a raising game (Figure 5 4:48-5:16).

Claims 7-8 and 12 correspond in scope to a network system set forth for use of the gaming machine listed in the claims above and are encompassed by use as set forth in the rejection above. The gaming machine is in communication with a network server (Figure 1).

Referring to claim 9, Walker '041 and Walker '549 disclose, teach or suggest the capability that a tournament can be played over the Internet (5:21-23, 12:30-35).

Claim 11 corresponds in scope to a network system set forth for use of the gaming machine listed in the claims above and is encompassed by use as set forth in the rejection above.

Referring to claims 13-14, Walker '041 in view of Walker '549 discloses a handicap restrictor that refuses to allow players that do not qualify for the tournament to play in the tournament even though that player may enter into the tournament (7:34-38 and 11:50-60).

Response to Arguments

Applicant's arguments with respect to claims 1, 3-4, 6-8 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, see page 6, filed February 20, 2004, with respect to the rejection(s) of claim(s) 1, 3-4, 6-8 and 12 under Walker '041 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Walker '041 in combination with Walker '549.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ajc


JESSICA HARRISON
PRIMARY EXAMINER